THE COURTS:

The Extradition Treaty with Germany---Important Decision.

What Constitutes Contributive Negligence.

THE "ANDY ROBERTS" CASE

Verdict for the Government in the Benoni Howard Bond Snits.

THE HODGE DEFALCATION.

Postmaster General Jewell has addressed a com munication to Postmaster James, of this city, ask ing for a report as to the condition of the case of the United States vs. Moses Chamberlain, who is indicted for sending an alleged scurrilous postal card through the mails. The Postmaster General states that he will use his best efforts in punishing any person who transmits through the mails cards of that character. The case of Chamberlain went over at the last term of the United States Circuit Court. It will probably be tried at the December term.

Yesterday, Edward Wynants was charged before Commissioner Shields with having falsely registered his name as a voter in Mercer street. He was discharged on his own recognizances.

The case of Gilpreke and others vs. William Edward Quentrell, which has already been tried twice and involves the question of the payment of some \$50,000 acceptances, came to trial, for the third time, yesterday, before Judge Van Vorst, holding Supreme Court, Circuit. It will probably occupy several days.

EXTRADITION OF GERMANS.

Yesterday, in the United States Circuit Court. Judge Blatchford rendered an important decision in the extradition cases of Herman Thomas and Joseph Schwick. It will be remembered that Schwick was brought before Commissioner Kenneth G. White, under a warrant charging Schwick with having committed the crime of forgery at Munster, Prussia, during 1872 and 1873. arrest was procured in this city last spring. Commissioner White, before whom Schwick's examination was had, certified that the evidence dduced before him clearly proved the guilt of the accused, whereupon the President of the United States issued his mandate for the delivery of Schwick to the authorities of the German Empire under the treaty between the King of Prussia and the United States concluded in June, 1852. Thomas was arrested in this city last September on the charge of having obtained 15,000 guilders at Nurenberg, Bavaria, by reason of a forged order or receipt on the Royal Bank of Bavaria, in June His extradition is also asked on behalf of the German Empire under the treaty between the the German Empire under the treaty between the United States and the King of Bavaria, entered into in 1853. Thomas was prought before Commissioner Stilwell and by him committed for examination. Applications were made to Judge Blatchford for writs of habeas corpus and certionaris, which writs were granted and served just in time to prevent the involuntary departure of Schwick for Germany. The argument under the writs came up before Judge Blatchford three weeks ago and was ably argued on both sides, the arguments occupying an entire day. The discharge of both prisoners was claimed on two principal grounds.

First—Because no proper mandate had been obtained from the Executive Department of the accused.

accused.

Second—Because the treaties under which the extraditions were demanded had been abrogated by the absorption of Prussia and Bavaria into the German Empire, and because the constitution of the German Empire adopted in 1871 provides that the Emperor shall represent the Empire among nations, declare war and conclude peace, enter into alliances and other conventions with foreign countries, accredit ambassadors and receive them. The several States which were absorbed by the German Empire were precluded from making and carrying out any separate treaty with any loreign country, and inasmuch as no new treaty providing for the extradition of ingitive criminals (only a commercial treaty) between the German Empire and the United States having been concluded there existed no treaty under which the accused can be extradited. second-Because the treaties under which the

can be extradized.

Judge Blatchford yesterday rendered a long and very enaborate opinion, which was concurred in by Justice Woodruf, in which he holds that it is not necessary for any demanding government first to procure a mandate from the Executive Department of the United States authorizing the arrest of a fugitive from a foreign country, but that a complaint may be made, a warrant issued arrest of a lugitive from a foreign country, but that a complaint may be made, a warrant issued and the lugitive arrested at once. This setties long disputed questions on the subject. In reference to the other point the Judge says:—"It is contended on the part of the accused that the convention with Bavaria was abrogated by the absorption of Bavaria into the German Empire. An examination of the provisions of the constitution of the German Empire does not disclose anything that indicates that then existing treaties between the several States composing the confederation, called the German Empire, and foreign countries were annulled or to be considered as abrogated, indeed, it is difficult to see how such a treaty as that between Bavaria and the United States can be abrogated by the action of Bavaria as abrogated. Indeed, it is simulated so to be now such a treaty as that between Bavaria and the United States can be abrogated by the action of Bavaria alone without the consent of the United States. Where a treaty is violated by one of the contracting parties it rests alone with the injured party to pronounce it broken, the treaty being in such case not absolutely void, but voidable at the election of the injured party, who may waive or remit the infraction committed, or may demand a just satisfaction, the treaty remaining obligatory if he chooses not to come to a rupture. In the present case the mandate issued by the government of the United States shows that the convention in question is regarded as in force both by the United States and the German Empire, represented by its Envoy. The application of the foreign government was made tarough the proper diplomatic representative of the German Empire and of Bavaria, and the compaint before the Court was made by the representing Bavaria."

Judge Biatchford then dismisses the several writs and remands the prisoners to the custody of the United States Marshal. Under this decision Schwick will be taken back to Germany at once and Thomas will have to await a further examination before the United States Commissioner.

Peter Cook and Charles W. Brooke, counsel for the Accused; Salomon and Burke, counsel for the German Empire.

CONTRIBUTIVE NEGLIGENCE.

Mary McLain, a child three years of age, fell into an unprotected area, sustaining serious injuries, to recover damages for which suit was brought against Thomas Von Goudt, owner of the premises on which the accident occurred. The complaint was dismissed, and thereon application was made to Judge Curtis, holding Special Term of the Supe rior Court, for a new trial. Judge Curtis gave a decision in the case yesterday, denying the apparental on the part of the lather, be living next door and having known for a long time that the area was unprotected and yet sending the child where he knew she would be exposed to danger while he watched her, he says in his opinion:—The child was of such tender years that it was incapable or self-protection and could not be responsible for its own acts, and by a law of nature relies upon its parents for guidance and protection. It is not the policy of the law to award damages where there has been relaxation of parental duties and obligations toward a leeble or improtected child. That may tend to encourage or induce hegiest. Still less, when a parent, by a direct act, exposes a child at a helpless and tender age to suffer injury, does the law favor the recovery of damages for an injury thus caused. This case seems to be one where there was negligence on the part of the father which contributed to the plainth? Injury, and where no question of lact existed to be submitted to the jury. The Jurge at the trial property granted the motion to dismiss the complaint. The motion for decision in the case yesterday, denying the appu-

AN OLD RAILROAD BOND CASE.

in the Supreme Court, Circuit, yesterday, before Judge Brady, the case of Obrigg & Co. vs. Andrew L. and Lydia J. Roberts, was moved on for trial by A. Onkey Hall and ex-Recorder Smith. It is one of several suits begun against Andy Roberts. who was last spring tried for the forgery of immense number of Central and Western Union bonds, when the jury disagreed. The plain-

which they claim to be proceeds of the great fraud. The ediendants averred possession long before the fraud. Mr. Hewitt, for the brokers, moved an adjournment, and stated that the Governor of Masachusetts, being about to pardon and let loose the notorious Spencer Pettis, who figured to the criminal trial in the testimony, his chents desired to obtain his testimony. Counsel for Roberts exclaimed against the absurdity of adjourning a case to get tainted testimony, and only probably at that, and they indignantly doubted whether the Governor of Massachusetts, even in his hour of defeat, would commit so great an outrage against the public as to great an outrage of deleat, would commit so great an outrage against the public as to pardon Spencer Petus. The Judge set the case down percemptorily for next Manday, when doubtless there will be some more interesting testimony in a case so momentous to the Wall street people.

ACTION ON A BOND.

In the United States Circuit Court, before Judge Nathaniel Shipman, the case of the United States vs. Benont Howard has come to a conclusion. detendant had been a manufacturer of matches, and in 1868 he entered into a bond, with Elias Howard as surety, for the payment of \$21,000 to the government for match stamps which they had furnished him in the course of his business. It was claimed by the government that this money had never been paid. The defence, among other things, was that the bond had not been regularly executed. The jury found a verdict for the government for the full amount, with interest, which brings it up to \$26,928 24. John A. Goodlett for the United States; S. Stern for defendant. In the case of the United States vs. Samuel L. Kennedy, which was an action to recover \$10,300 on a bond given as security for Benoni Howard, an inquest was taken, when the jury returned a verdict for the full amount, with interest, making the whole \$13,208. Elias Howard as surety, for the payment of \$21,000

THE HODGE DEFALCATION CASE.

In the United States Circuit Court on Wednesday, before Judge Nathaniel Shipman, in the case of the United States vs. Polhemus & Jackson, s motion was made on behalf of the plaintiff to set aside the verdict recently rendered for the defendants, on the ground that the verdict was lendants, on the ground that the verdict was against the weight of evidence. The action was brought by the government against the defendants to recover the sum of \$500,000, which money, it was alleged, had been placed in the hands of the defendants by Mr. J. L. Hodge, a paymaster in the army, for the purpose of carrying on stock operations on his own account. The government claimed that the defendants knew that the money so deposited with them was the property of the United States; but the verdict for the defendants negatived this assumption. Yesterday Judge Shipman rendered his decision, declaring that the motion in question must be heard and determined on a case or on case and exceptions. Thirty days were allowed the plaintiffs to prepare their case.

BUSINESS IN THE OTHER COURTS.

SUPREME COURT-CHAMBERS.

Rival Lady Presidents.

Before Judge Lawrence.

A benevolent society under the conduct of Ger man ladies and known as The New York Ladies' Sick Relief Association, No. 2, and having its headquarters in Ninth avenue, in January last elected Mrs. Dorothy Grunninger as its President. Full of zeal for the objects of the Pull of zeal for the objects of the society the new President, hit upon the expedient of holding a Sunday festival, to which admission was by tickets, for the purpose of raising lunds. It was a very successul aftair, but subsequently, as alleged, a dissatisfied faction heid another election, on the ground that Mrs. Grunninger had committed irregularities, the principal one being the holding of a festival on the Sabbath. The "secessionists" elected Mrs. Porette Eske, and took possession of the bank book and other effects. Mrs. Grunninger brought suit to recover in the Marine Court, and, the regularity of her election being conceded, Judge Spauding gave judgment in her layor. The next step of President No. 2 and her supporters was to get a temporary injunction and order to show cause against Mrs. Grunninger. The matter came up in this Court yesterday, Mr. C. C. Eggan appearing for the respondent. In consequence of the absence of relator's counsel, Mr. David Dudley Fleid, the argument was adjourned to next Montay.

COURT OF OYER AND TERMINER. A Clubbing Policeman Exonerated.

Before Judge Barrett. Michael Hogan, a policeman of the Sixth pre-cinct, was jesterday placed on trial in this Court, for an alleged felonious assault on an Italian, named Gasper Mazoni. Assistant District Attorney Lyon conducted the prosecution and Mr. William F. Kintzing was counsel for the prisoner. The charge was that the complanant and a companion, having come out of an Italian drinking place at No. 14 Baxter street, were standing at the edge of the sidewalk, when prisoner violently assaulted the complanant with his club, and indired wounds which rendered it necessary for him to go to the hospital for six weeks. The defence gave a totally different version of the affair—that the complanant was violating a city ordinance; that the officer thereupon arrested him; that a crowd of some lifteen Italians attempted a rescue; that the complanant was obliged to use his club to prevent his rescue and escape, The jury found the prisoner not gullty, and on application of Mr. Kintzing, the Court ordered his discharge. Before the policeman left Court Judge Barrett addressed him, saying he concurred in ney Lyon conducted the prosecution and Mr. Wildischarge. Before the policeman leit Court ordered his Barrett addressed him. saying he concurred in the verdict of the jury and believed the blow struck was justifiable under the circumstances, but he hoped Hogan and all other policemen would take care never to resort to violence without necessity.

Trial of a Deputy Sheriff.

John Brett, a Deputy Sheriff, was next placed on trial on a charge of telonious assault on Eliza Field, a young girl fifteen years old. The complaint charges that while defendant was Sheriff's deputy in the store No. 550 Hudson street, on the sth of August, he committed the crime on the complainant, whose parents lived in the basement. It was shown by Mr. John D. Mott, the defendant's counsel, that defendant is a man of good character and paralysed in the left leg, and a witness was called to prove the defendant's character not to be good, but the evidence was vague on that point, and it was a question of credibility between the girl and the defendant. After the evidence was all in the case was adjourned to this morning. plaint charges that while defendant was Sheriffe

SUPREME COURT-CHAMBERS. Decisions.

By Judge Lawrence.
In the Matter of McAnana—Report confirmed and order granted.
New York Life Insurance Company vs. Kohner.—Granted.

Granted.

Morange vs. Vogel.—Motion to refer cause is denied, with \$10 costs.

By Judge Donohue.

New York Life Insurance Company vs. Keyes (Nos. 1, 2, 3 and 4).—Reference ordered.

Weld vs. Bouns.—\$110 additional allowance granted.

Weld vs. Bouns.-\$110 additional allowance granted.
Josephine B. Jones vs. Lewis A. Jones; Jennie B. Noe vs. Albert A. Noe.—Decrees of divorce granted to the plaintiffs.
Roosevelt vs. Richie; Philadelphia Coal Company vs. Bass: Jaccard vs. Dinsmore; Loder vs. the N. Y. U. and O. R.R. Co.; the President, &c., of the insurance Company of N. A. vs. Oertel; Sumson vs. Kruger; Swartwout vs. Pfirmann; Pontana vs. the Board of Public Justices of New York; Keilogy vs. Duff: in the matter of Devoe; Wetherbee vs. Kuhn.—Granted.
Marting vs. Barry; Haydock vs. Dougherty.—Orders granted.

rders granted. Heefiner vs. Heydecker.—Motion granted. Hunting vs. Pratt; Heller vs. Bawer.—References

Willets vs. Fisher.—All parties who opposed bave not been served.
Bianchi vs. Gordon.—Memorandum.
McKibbin vs. Kammerar.—Motion granted.
Baldwin vs. Young.—Granted. Memorandum.

SUPERIOR COURT-SPECIAL TERM.

Decisions. By Judge Van Vorst.

Porter, executrix, &c., vs. Paimly.—Order settied.

Torier, executive, ac., vs. Paimiy.—Order setted.

By Chief Justice Monell.

The Atlantic and Pacific Telegraph Company vs. Barnes et al.—Case settled and ordered on file. Toulon vs. Erbe.—Order of reference denied. The Marshall Horse Colar Company vs. Williams.—Motion denied.

Keyhoe vs. The Gold Beating Company of New York.—Interrogatories allowed.

Beil vs. Hatch; Bell vs. Blow; Gawtry vs. Clark; Ames vs. Osborn; Loab vs. Hammill; Renny vs. Slocum; Webster vs. Ketcham.—Orders granted. In consequence of the lilness of Judge Freedman no issues of fact will be tried until Monday, November 9.

COMMON PLEAS-SPECIAL TERM. Decisions.

By Juge Larremore.
In the matter of Geraphty; Herman vs. Harmann.—See memorandums.
in the Matter of Corals.—Application denied.
See memorandum. williamson vs. Baker.—Motion granted.
Pollard vs. Hyde.—Report confirmed and par-

Bischoff vs. Schnipp.—An order to show cause must first issue.

MARINE COURT-GENERAL TERM.

Decisions. Before Judges Gross and Joachimsen. Bull vs. Jangay,—Order on special facts of this case to be settled by Judge Gross. Opinion by

Judge Joachimsen.

Beiore Judges Shea, Joachimsen and Alker.
Rosenfield vs. Paimer.—Affirmed with costs and \$30 allowance. Opinion by Judge Joachimsen.
Liddy vs. Thain.—Judgment affirmed, with costs and allowance, Judge Shea not participating. Opinion by Judge Joachimsen.
Johnson vs. Rosenstock.—Judgment reversed; new trial granted; costs and allowance to abide the event. Dissenting opinion by Judge Shea not filed.

the event. Dissenting opinion by Judge Snea not filed.

Holbrook vs. Brennan.—Judgment affirmed, with costs and allowance. Opinions by Judges Snea (not filed) and Joachimsen (on file November 4).

Georgi vs. Coe.—Judgment affirmed, with costs and \$20 allowance. Dissenting opinion by Judge Snea not filed.

Henrich vs. Kraft and others.—Judgment affirmed, with costs and \$30 allowance. Opinion by Judge Snea not filed.

By Judges Snea, Alker and McAdam.

Driggs vs. The New York Type and Electrotype Company.—Judgment reversed, new trial granted; costs and allowance to abide the event. Opinion by Judge Snea not filed.

By Judges Joachimsen, Alker and McAdam.

Hull vs. Stevenson.—Judgment reversed, new trial granted; costs and allowance to abide event. Opinion by Judge Joachimsen on file November 4.

By Judges Shea and Joachimsen.

Hulln vs. Smith.—Judgment affirmed on equal division.

By Judges Gross and Alker.

Nordlinger vs. Nuttnacht.—Order reversed, without costs.

Opinion by Judge Gross on file No-

out costs. Opinion by Judge Gross on hie November 4.

By Judges Gross, Alker and Spaulding.
Bays vs. Chave.—Order reversed, with \$10 costs.
Opinion by Judge Gross on file November 4.
ORDERED—That in all cases held for decision by the General Term, after argument or upon submission, the order of the Court must be settled on the court

By the Court. MAURICE J. POWER, Clerk.

COURT OF GENERAL SESSIONS.

Before Judge Sutherland. William Gallagher, anas Henry Watson, who was indicted for assaulting Herman Goldman on the 25th of August, and stealing from him twelve yards of velveteen, two pairs of pantaioons, six pairs of drawers and twelve dozen spools of cot-ton, pleaded guilty to grand larceny. He was sent to the State Prison for five years.

Attempt at Robbery. Cornelius Richardson, who was jointly indicted with John Campbell and Moses Redman (all colored), was tried upon a charge of acting in compilored), was tried upon a charge of acting in compil-city with them in attacking Francis McNabb on the night of the 10th of October, while walking through Thompson street. They only took a pocket knife and a pair of pearl sleeve buttons from him. The complainant failed to identify Richardson, but a colored man swore that the accused was one of the men who committed the offence. Two white women testified in layor of Richardson and swore that he was across the street at the time, and ded not participate in the assault. He was convicted of an assault with intent to rob, and sent to Sing Sing for five years. Sing for five years.

An Acquittal. James Farrell, who was indicted, with John Jen-nings and John Jones, charged with being concerned in stealing cases of vermilion worth \$500 from the store of Mr. C. G. Witte, No. 94 John street, was tried and acquitted by the jury without leaving their seats. He proved that he was invited by Jennings to take a ride in the wagon which contained the stolen property and showed, by respectable gentlemen, that his character for honesty was good.

JEFFERSON MARKET POLICE COURT.

Gross Breach of Trust.

Before Judge Flammer. Miss Alicia Gould, of No. 622 Sixth avenue, ac cused Kate Reynolds of stealing from her silk dresses, velvet basques and jewelry, worth in all aresses, velvet ousques and lewerly, worth in an all \$280, on the 27th of October last. It was alleged by the complainant, who is a dressmaker, that ou that day she went out, leaving the place in charge of Kate, and on her return the property was missing. Information jurnished by some children led her to suspect Kate, and the latter was arrested by officer Dunlap of the liwenty-minth Precinct. She was neld in \$1,000 ball to answer. An Old Practitioner.

On the 31st of October last Miss Catharine Mclernan inserted in the newspapers an adver. tisement for a position as housekeeper. Any one desirous of her services was requested to call at No. 52 East Twenty-fifth street, the residence of Mr. Alexander Holland. Mr. Joseph Warren

Charles Lehman, had found a human arm sticking up through a hole in the floor of one of the back closets. It is suggestive that the place has been occupied only a few weeks by Mr. Heicht and was formerly used as a sausage factory. Capitaln Wilnuss made a thorough investigation, but could find noting else. He asked the counsel or Judge Flammer, who mildly suggested that, in view of the Capitain's success as a detective, he required no instructions, and could safely be trusted to pursue his researches according to his own method.

ESSEX MARKET POLICE COURT. Another Confidential Clerk.

Before Judge Wandell, Henry V. Antes, of No. 460 West Twenty-fourth street, was arraigned at this Court yesterday on a charge of embezziement. Antes is a young man about twenty-six years of age, and was confidential clerk to Mr. O. H. P. Archer, formerly Vice President of the Eric Railroad, until March last. He was first employed by that gentleman in 1870, when he was Receiver of the Suyvesant Bank. He was atterward appointed delivery cierk on the Eric road for eastward bound freight, and since the retirement of Mr. Archer has been employed as cierk to collect rents, &c. After his discharge from Mr. Archer's employ the books of the company were examined, and a number of inaccuractes discovered. It is charged that he has collected various sums of money and appropriated them to his own use. But one specific charge was made against him yesterday. It was of having collected on the 20th of November, 1872, the sum of \$260 irom William S. Mills & Co.

J. Spencer Moore, bookkeeper for that firm, swore to having paid him that amount on that date, which was hever credited on the books of the company. The prisoner, who was arrested by officer Marcus Horbeit, of the Court squad, was held in \$2,000 bail to answer. Budley Field, Jr., appeared for the prosecution, and ex-Judge Beach for the defence.

FIFTY-SEVENTH STREET POLICE COURT. President of the Eric Railroad, until March last,

PIPTY-SEVENTH STREET POLICE COURT. Ingratitude of a Friend.

Before Judge Murray. Sigmund Heller, a young man of respectable exterior, and on whose Roman nose rested a pair of eyeglasses, was arraigned as a thier of the meanest kind. The complainant, Robert Turnersky, of No kind. The complainant, Robert Turnorsky, of No. 315 East Fourteenth street, testified that he had taken the prisoner into his house through charity and in return for his kindness he was roobed by him of an opera glass, a gold watch and all his silver. To enable the officer in the case to recover the property from the pawn office in which it had been pawned by the delendant he was remanded.

COURT CALENDARS-THIS DAY.

SUPREME COURT—CHAMBERS—Heid by Judge Lawrence.—Nos. 86, 92, 99, 112, 116, 118, 127, 136, 137, 160, 162, 164, 167, 163, 173, 181, 187, 188, 201, 214, 221, 228, 232, 242, 251, 258, 280, 281, 234, SUPREME COURT—SPECIAL TERM—Held by Judge Van Brunt.—Demurrers.—Nos. 16, 22, 11, 12, 16, 17, 27, 70. Issues oi isw and fact.—Nos. 171, 189, 190, 261, 202, 203, 264, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 212, 222, 223, 224, 225, 226, 227, 228, 220, 230, 231, 232, 233, 234, 236, 236, 237, 238, 239, 240, 241, 242, 243, 244, 246, 247, 248, 249.

249.
SUPREME COURT—CIRCUIT—Part 1.—Adjourned for the term. Part 2—Held by Judge Brady.—Short Causes—Nos. 3228, 2546, 3488, 3602, 3598, 3390, 4103, 3970, 3993, 3946, 3636, 3922, 3730, 3574, 4102, 4118, 4123, 4124, 4116, 4126, 3892, 4040, 4018. Part 3—Held by Judge Van Vorst.—Nos. 2767, 3873, 4070, 3405, 1183, 2019, 4033, 4989, 4075, 3917, 3804, 2369, 3901, 4033, 4943, 3559, 37999, 3777, 4083, 3621, 3941, 4109, 4127.

SEPERMOR MOURT—TRIAL TERM—Part 4-44

4003, 4043, 3999, 31999, 3777, 4083, 3821, 3941, 4108, 4127.

SUFERIOR COURT—TRIAL TERM—Part 1.—Adjourned for the term. Part 2—Held by Judge Curtis.—Nos. 1122, 1226, 509, 606, 710, 724, 726, 672, 698, 672, 739, 732, 734, 642, 428.

GOMMON PLEAS—GENERAL TERM—Held by Judges Daiy, Larremore and J. F. Daly.—Nos. 124, 125, 12, 21, 36, 49, 57, 85, 88, 89, 90, 137.

GOMMON PLEAS—HELL TERM—Part 1.—Held by Judge Robinson.—Nos. 1035, 2019, 1711, 2174, 2065, 1661, 187, 954, 1214, 1157, 77714, 228, 225, 223, 1272.

MARINE COURT—TRIAL TERM—Part 1.—Held by Judge Spaniding.—Nos. 920, 1261, 1262, 353, 1092, 1400, 520, 521, 522, 523, 524, 526, 527, 528, 839. Part

YOR THE CHARGE MADE

2—Held by Judge MAdam.—Nos. 1381, 1416, 1141, 1236, 1237, 530, 531, 532, 533, 534, 536, 537, 538, 539, 540. Part 3—Held by Judge Shea.—Nos. 224, 233, 1449, 1391, 1445, 1456, 1289, 1290, 1648, 1569, 1444, 1408, 342, 945, 1174.

COURT OF GENERAL SESSIONS—Held by Judge Sutherland. The People vs. John O'Halloran, mansiaughter; Same vs. John D. Essenger, robbery; Same vs. Patrick Madden, telonious assault and battery; Same vs. Maggie Middleton, felonious assault and battery; Same vs. Same vs. John Brian, burglary; Same vs. John Brian, burglary; Same vs. John Brison, burglary; Same vs. John Riley, grand larceny; Same vs. John Riley, grand larceny; Same vs. George Smith, grand larceny; Same vs. George Smith, grand larceny; Same vs. George Smith, grand larceny; Same vs. George Samuels, grand larceny; Same vs. John Currigan, grand larceny; Same vs. John O'Neil, larceny from the person; Same vs. John O'Neil, larceny from the person; Same vs. Daniel McEvoy, larceny from the person; Same vs. Beorge Stevens, forgery; Same vs. Solomon Weiner, faise pretences: Same vs. Wichael Rochford, concealed weapons; Oyers And Terminer—Held by Judge Barrett.—The People vs. James A. Heaney, felonious assault and battery; Same vs. Areal Kristan and Wilham Christian, grand larceny.

BROOKLYN COURTS.

SUPREME COURT.

Domestic Infelicity.

Before Judge Gilbert.

A writ of habeas corpus was sued out by Mrs. Richard S. Conklin in the Supreme Court yesterday for the custody of her child, a year old, who Monday last. Mr. Conkin asserted that he had seen his wife in the Brandreth House, New York, under peculiar circumstances, and he had taken possession of the baby, as he regarded her as an improper custodian of the infant. The wife presented that she was linecent of the intimation of unfaithfulness, and claimed that she was living with her mother at No. 109 South Fourth street, Williamsburg. by her husband during her temporary absence on

Williamsburg.
The Court delivered the child to the custody of the grandmother, Mrs. Susan Davis, and the suit was adjourned until December 7.

By Judge Pratt.

Isaac Rodman vs. J. Heilenbrand, &c.—Motion to change venue denied. No costs.

H. G. Wolfe vs. D. H. Burke.—Motion for reference granted.

A. C. Brazelman vs. W. Dane.—Judgment for plaintiff. Reference to L. A. Fuller to pass accounts. Question of costs reserved until settlement of decree.

M. McVey vs. M. A. Cantrell.—Motion to amend order, so that it shall conform to decision granted. No costs.

S. Wenzell vs. C. Miller.—Motion to confirm injunction denied.

S. Wenzell vs. C. Miner.—Motion to connrin im-junction denied.
F. W. Hoese vs. F. W. Hoese, Jr.—Judgment for delendant. No costs.
R. Sweet, Jr., vs. Northern Pacific Rallroad Com-pany.—Demurrer overruled, with costs, with leave to detendant to answer on payment of costs of demurrer.

CITY COURT. Decisions.

Breisons.
Syddge Seilson.
Scott vs. Wellwood.—Motion to refer denied; the party objecting had a right to a jury trial.
Brock vs. Cameron.—Motion to stay proceedings in the Surreme Court denied. Motion to punish for contempt, &c., also denied.
Stearing vs. Slade.—New trial granted; order to be settled on noted.
Overfield vs. Bodine.—Case settled and papers

Breadwell vs. Latimer.—Order to discontinue granted.
Burtis vs. Bailey.—Order granted.

THE SOUTH OYSTER BAY TRAGEDY.

Conflicting Statements of the Prisoners Jackson and Jarvis.

The two colored men who have made confession to the murder of Samuel J. Jones, at South Oyster Bay-Elbert Jackson and Lewis Jarvisare still confined in cells at the Town Hall. Jamaica. Both prisoners now, by advice of their counsel, refuse to talk about the murder. Jackson insists that he has told all that he has to tell; but it is believed by the authorities that neither he nor Jarvis has told the half. Every day fresh evi-Mr. Alexander Holland. Mr. Joseph Warren called and at once engaged her, but was obliged to consult his wife before making any final arrangement. During his visit Miss McTernan had occasion to go up stairs, leaving the gentieman to await the coming of his wife. On her return, that had not appearing, Mr. Warren suggested that he would step around to Lord & Taylor's, where he would be sure to meet her. He took his departure and after he had leit six silver spoons were missing, valued at \$28. Nothing more was heard of Mr. Warren until yesterday, when, in response to a second advertisement by Miss McTernan from another address, Mr. Warren again presented himself on the same errand. This time officer King, of the Twenty-fifth precinct, was called in, and the gentleman in quest of a house-keeper was presented to him. Judge Flammer heid him in \$1,000 ball to answer. In the meantime ne was taken to Headquarters and photographed. Superintendent Walling recognized in him an old offender, who had already served the State.

Captain Williams' Discovery.

Yesterday morning Captain Williams received a letter from William Heicht, of No. 129 Prince street, lager beer saloon, stating that his barkeeper, Charlee Lehman, had found a human arm sticking up through a hole in the floor of one of the back dence is obtained of their probable complicity in their search for the watch. Since the arrest of the prisoners a cloud seems to have been litted from the neighborhood, and, in fact, the whole town in which they resided. Both of them bore bad characters, but though long suspected none dared to accuse them for lear of their lives. District attorney Downing proposes to reopen the examination on Monday or Tuesday next, and, meaning, every effort will be made to periect the chain of evidence outside of their own confessions.

NEW YORK CITY.

The Board of Revision and Correction of Assess ments met at the Comptroller's office yesterday afternoon, at four o'clock, but transacted no business of special importance.

Workmen are engaged with all possible vigor in tearing up the pavement in Church street, preparatory to laying a new line of rail track to whitehall street and the Battery. They com-menced work on Wednesday. No time will be lost in opening the route for business.

There will be an adjourned meeting of the clothing, dry goods and other salesmen at room No. 24, Cooper Institute this evening. The object of the meeting is to urge the closing of the retail stores at seven o'clock P. M. There are 75,000 clerks in this city who are more or less interested in this

The repair of the Battery sea wall, which has fallen into ruins, is about to be commenced. The Department of Public Parks, which has jurisdiction in a matter of this kind, invites proposals for executing the work, the same to be opened on the 16th inst. The work must be completed in ac-cordance with the specifications contained in the contract, on or before the 1st day of June next.

Mr. William H. Moloney, Chief Clerk ; George W. Betts, Deputy, and a number of other clerks and messengers of the Board of Assistant Aldermen messengers of the Board of Assistant Aldermen will be out of a situation on the 1st of January next, owing to the abolishment of the Board by the last Legislature. Captain Frank J. Twomy, for many years Deputy Cierk of the Common Coun-cil under the late Mr. D. T. Valentine, Joseph Shannon and General Joseph C. Pinckney, is a prominent candidate for the Cierkship of the new Board.

The regular weekly meeting of the Dock Commissioners was held yesterday afternoon. The weekly report of Superintendent Turner showed weekly report of Superintendent Turner showed that the new pier at the foot of 152d street, North River, was completed, and that repairs had been made on several other piers on the North and East rivers. The weekly report of the Engineer-in-Chief was submitted, showing that the damage done to pier No. 31 North River, by the steamship City of Panama, was nearly repaired. After the transaction of some unimportant routine business the meeting adjourned. the meeting adjourned.

The regular monthly meeting of the Board of Managers of the Produce Exchange was held yesterday. The Vice President, D. W. Floyd, preterday. The Vice President, D. W. Floyd, presided. Thirteen new members were approved of. The following gentlemen were appointed the Complaint Committee for the month of November:—Messrs. Daie, Spear and Bostwick. The thanks of the Board were formally tendered to Hon. E. C. Benedict for a valuable contribution of books to the library of the Exchange. The Board, after some further business of routine nature, adjourned to meet on Saturday morning at hail-past ten Ociock.

One of the pleasantest meetings of the season is that of those ladles having charge of the free training schools for women, which are held semi monthly at No. 47 East Tenth street. Singing music, recitations and pleasant conversation vary the proceedings, and those who attend are no mere sympathizers in the cause, but actual work mere sympathizers in the cause, but actual workers, who in some way or other lend a hand. The President of the society is Mrs. Hodges; Vice President, Mrs. S. Courtney; Treasurer, Dr. Alex. B. Mott; Secretary, Miss J. Corson. The ladies who were prominent last evening in receiving guests were Mrs. Barnes, Mrs. Leavitt, Mrs. Newcomb and Mrs. Lancaster. Several recitations were given by the ladies, Mrs. Frobes' being especially excellent. Among the younger ladies Miss Leavitt took the paim, her singing being excellent and the most appreciable part of the evening's programme.

BROOKLYN.

Work on the Brooklyn tower of the East River Bridge will be discontinued for the season on the 20th inst.

Francisco Fillipo, the alleged counterfeiter, was examined before United States Commissi Winslow yesterday, and was held to await the action of the Grand Jury.

The skulls of five women and a quantity of bones

were found yesterday by workmen engaged in ex-cavating the ground owned by Stephen Jackson, on Quincy street, near Classon avenue. The oldest resident has no recollection of a turying ground being located in that vicinity.

A fair is now being held in the school rooms of St. Peter's Academy, Hicks street, in aid of the parochial school. It is the intention of Rev. Father Francioli, the pastor of the congregation in question, to have the affair one of the most successful ever held in Brooklya.

Two Italian workmen, Pacello and Vicento

Franco, were buried beneath an embankment yesterday at the intersection of Lorimer and Noble streets, E. D. Pacello expired shortly after being extricated, and Vicento was taken to the City Hos-pital in a very precarious condition. The men re-sided in Mort street, New York. General Nelson, City Auditor of Brooklyn, and a

prominent republican politician, was stricken with paralysis at his place of residence on Henry street, Sixth ward, on last Wednesday night, and was vesterday lying in a precarious condition. But little hope is entertained of his recovery.

STATEN ISLAND.

The village Aldermen and the Chief of the Fire Department of Edgewater have determined to purchase a second-hand steam fire engine from New York city, the price being \$1,600.

The Richmond County Board of Supervisors have received a letter from the State Comptroller informing them that if they do not pay fifty-five odd thousand dollars which it is claimed the county owes, he will get the Legislature to make them do so.

William Hogan, of East Boston, went to Staten Island on Wednesday to look for work, but finding none and becoming discouraged, on his return to New York he leaped from a ferryboat near the Stacleson landing, but was rescued by a man who happened to be passing in a small boat, and taken before Justice Kasner who sent him to the county jail yesterday for safe keeping.

WESTCHESTER.

At Yonkers yesterday afternoon the somewhat novel spectacle was witnessed of one citizen pro-pelling another in a wheelbarrow through the streets, preceded by a fife and drum, it being the result of a wager on the late election.

Those who favor the propagation of evangelism at Peekskill are making extensive preparations for the second annual Convention of the West-chester County Sabbath School Teachers' Associa-tion, which commences in that village next Tues-day.

Joseph Kolb, an irascible German, was brought before Justice Bellesheim, at West Mount Vernon, yesterday afternoon, on a warrant charging him westerday afternoon, on a warrant charging him with having brutally assaulted Margaret Lange, a poor woman of three score and ten years. It seems that the aged female was in the act of colecting some dry leaves on a lot owned by Kolb, when he attacked ner with a field rake, knocking her down and beating her unmercifully. After an examination the accused was committed to stand his trial at the next Court of Sessions.

The shooting at and wounding of Joseph Brinning by George Appeli, in the vicinity of West Mount Vernon, as published in the HERALD of yes-Mount Vernon, as published in the Herald of yesterday, is still enveloped in considerable mystery. It is impossible to obtain any information regarding the cause of the shooting, as the friends of the parties are inexorably reticent on the subject. At a late hour on Wednesday evening Appell was arrested and taken before Justice Edmonds, by whom he was held in \$1,000 to await the result of Brinning's injuries. It was currently reported in Mount Vernou last evening that the wounded man was in a dying condition.

James Downing, a noted thief and graduate of

the Albany Penitentiary, was arrested yesterday at Yonkers by Roundsman McLaughlin and Patrolman Cairol on a charge of baving perpetrated a
series of petty robberies and ourgiaries in
that city, his operations in that line extending through a period of several months.
After being locked up for a while the
prisoner, in police parlance, "weakened,"
and confessed to numerous deeds of piunder, also
telling where a portion of the stolen property
might be four i. The police having gone to a drinking place kept by one Thomas Curran, on Garden
street, as designated by the prisoner, recovered
several watches, chains, articles of jewelry, piated
ware and cutiery, which had been disposed of for
a trining sum by Downing. The prisoner is held,
without ball, for the action of the Grand Jury. at Yonkers by Roundsman McLaughlin and Patrol-

LONG ISLAND.

The steam mill at Sag Harbor stopped work last week. Cause, dull times.

The Smithtown Division of the Sons and Daughters of Temperance have surrendered their charter to the Grand Division, and the furniture and organ belonging to the division were sold at public auction on Monday.

During the past year the number of arrests Of these 105 were for being drunk and disorderly, 46 for assault and battery, 17 for vagrancy, 14 for larceny, 5 for cruelty to animals, 1 for abduction and 1 for murder.

Four lots on Amity street, Flushing, have been urchased by the Methodist church of that village, and the society propose the immediate removal of their church building from Main street to the new location. It is expected that the work of removal will be commenced within two weeks. A levy of \$1,623 is to be made upon the taxable property of the town of Brookhaven to make pay ment of the awards made by the commissioners appointed by county Judge Hedges for damages incurred in laying out Railroad avenue in Patchogue, and laying out the Ferrytown road in Port Jefferson.

The Superintendents of the Poor of Queens county report a considerable increase in the number of paupers supported at the county poor house this year over last. The Superintendents ask the Board of Supervisors for an appropriation of \$25,000 for the support and relief of the poor during the current year.

NEW JERSEY

The election for a bisnop of the new Episcopal diocese of Newark will be held at St. Mary's church, Jersey City, next Thursday. The coroner's inquest on the body of Julius

Funtsch, found in the Morris Canal in Jersey City, resulted in a verdict of suicide while laboring un der temporary insanity.

An order has been issued by the Pennsylvania Railroad Company to all the engineers prohibiting

them from blowing whistles when passing through cities and towns except in cases of great emer-gency. The bell must be used. The movement in favor of Governor Parker as the democratic nominee for President of the United States is spreading through every county. The race for United States Senator lies between Attorney General Gilchrist and Senator John R. McPherson.

Senator Leon Abbett is preparing a bill for the government of Jersey City which will wipe out the present infamous charter and consign the "com-missions," and those who fatten on the City Trea-sury through them, to private. The present char-ter was the main, if not the sole, cause of the rout of the republicans.

Two burglars entered the house of Mr. John P.

Hardenberg, at the corner of Grand and Warren streets, Jersey City, on Wednesday night. Officer best heard cries of "Police" from one of the windows. In less than a minute he was inside the house with the mazzle of his revolver placed on the nose of a thier who was hidiny in the pantry. He gave his name as O'Brien. The other thief escaped.

aped.
In the case of Dr. Norton C. Ricardo, who was recently tried for malpractice in the Paterson court and a verdict of \$5,000 damages found against him, judgment has been entered, execution ordered and the defendant piaced under arrest by the Sheriff. The detendant speedily produced an alleged inventory of his property, not amounting to more tan petic, in medicines, books, &c., and upon his application he was acciared an insolvent debtor and discharged by the Court.

A singular land slide occurred on the bank of Passaic River, about two miles above Paterson, yesterday, taking away a section of fifty or sixty feet of the turnpike and extending half way sixty feet of the turppike and extending half way across, and dropping straight down ten feet into the river. On this great mass of earth large trees were growing, and, as the ground dropped and slid out into the river forty or fity feet, they have maintained their perpendicular, presenting a remarkable spectacle. The cause of the disaster is believed to be the percolation of water from the recently dredged out Morris Ganat through the loose gravel and thus undermining the road. The President of the Morris Canat Company has been notified of that company's responsibility for the accident. Luckily no one was near when the mishap occurred.

THE GLENDENNING TRIAL.

Testimony of the Accused Pastor's Sister.

MORE CONTRADICTORY EVIDENCE.

The trial of the Rev. John S. Glendenning was

continued at Jersey City yesterday.

Dr. Hubbard, of the Chnton place Asylum testifled that a young man made application for the admission of a young girl who, he said, was in trouble; he told the man to call next day, but he did not come; he admitted that he said a man bearing the description given by Mrs. Miller did call; witness told Mrs. Miller the man was dark, but now that he had come to think he would say he was of a light complexion; the man who called did not state where he or the young girl

Mr. Seth Wilbur Payne, editor of the Dathy Press. of Jersey City, testified :- I called on Mr. J. S. Miller to obtain information in regard to this case; Mrs. Miller stated to me that Mr. Glendenning was the author of Miss Pomeroy's trouble, and that MISS POMEROY WAS FORCED

trouble; Mrs. Miller said sne threatened to lock her up if she did not tell; she said that Miss Pomeroy repeatedly denied afterwards that Mr. Glendenning was the father of her child; this conversation took place the evening after Miss Pomeroy's death; Mrs. Miller spoke about the pistol scene; she said that Mary bad denied it: in telling the story Mrs. Miller acted it pretty

Cross examined.—I came away from the house with the impression that Mrs. Miller did not be-lieve the story of the pistol scene; had a conver-sation with Mr. Glendenning in regard to the affair; he said he had nothing to give to the

leve the story of the pistol scene; had a conversation with Mr. Giendenning in regard to the affair; he said he had nothing to give to the public just then anoni it; could not swear to Mrs. Miller's exact language.

MISS MARY GLENDENNING.

sister of the accused pastor, testified—I have always resided with my brother; he is accustomed generally to spend his evenings at home and to escort me to and from church; knew that he was out one might with a college friend this atter one o'clock; have been out with him as late as one o'clock; one of us generally sat up for him till he came home; on the evening of July 4, 1873, he was at home this the afternoon. The witness was interrogated as to the whereabouts of her brother on certain days and the kind of clothing he wore during last sammer.

Cross-examined—Dou't know how many evenings in the week my brother would be at home; he was usually out four evenings in the week; he attended the choir meetings; he visited much during the winter, and I understood he visited as a pastor; his visits were mostly in the evening; lately he has not made any

PASIORAL CALLS

and very few social calls; heard reports among the congregation that my brother was engaged to Miss Pomeroy; always felt confident that he was not; he said he was not; think that he avoided her as she was annoying him; never knew that he made presents to her, but heard that he did so; when I spoke to nim about his intimacy with her he said that he did not think she meant any harm; she forced herself, in my opinion, on his notice so that he could scarcely avoid her.

During the cross-examination Rev. Mr. Harkness subsided.

Mr. Robert Wells testified to the ability, assiduity and general good character of Mr. Giendenning as a pastor; ne considered him.

Great inducements were held out to him to go to other congregations at a larger salary than he received here; the feeling among the congregation have the safely and the congregation of all these charges.

Cross-examined—Never investigated the charges against him; the t

BOARD OF ALDERMEN. The Vacancy in the Excise Board Filled. A regular meeting of the Board was held yester-

The Committee on Lands and Places reported in favor of paying the bill of Frederick Jacks for labor done on the Central Market Armory, amounting to a sum to be determined by the Comptreller as equitable. Alderman Gilon strongly advocated the adoption of this resolution, which was adopted after the preamble was struck out.

favor of the Board recommending to the Board of Estimate and Apportionment to appropriate \$2,500 toward renovating, refurnishing, &c., the Governor's Room in the City Hall. Alderman Van Schaick raised the point that, inasmuch as the incoming Board is so much larger than this more room will be needed, which lact might as well now be taken into consideration.

Alderman Monteimer moved to recommit the paper to the committee, which action was had.

A communication was received from His Honor the Mayor, in which he nominated, to fill the vacancy in the Excise Board in place of Police Commissioner John K. Voorhis, Mr. William H. Stiner. On motion of Alderman John R. Morris the communication was received and confirmed by a vote of 12 yeas to 1 nay, the latter being the vote of Alderman Flanagan.

The new Excise Commissioner is a journalist of Governor's Room in the City Hall. Alderman

of 12 yeas to 1 may, the latter being the vote of Alderman Flanagan.

The new Excise Commissioner is a journalist of experience, having served as correspondent curing the entire war. He is of German parentage and a lifelong resident of New York city.

The Committee on Arts and Sciences reported in favor of allowing a picture representing the First regiment, New York volunteers, in the Mexican war, receiving medals of honor from the State of New York, to be placed in the Governor's Room.

After passing upon a number of general orders of no great public import the Board adjourned.

FUNERAL OF MRS. PHOEBE PALMER.

The obsequies of the late Mrs. Dr. Phoebe Palmer, a lady well known in certain circles as the authoress of several religious books and of some hymns, took place yesterday afternoon at St. hymns, took place yesterday alternoon at St. Paul's church, corner of Fourth avenue and Twenty-second street. The estimation in which she was held was evinced by the number of people present, the church being densely crowded. Seated on the altar were five clergymen. A peculiarity of the occasion was that the hymns sung were the composition of Mrs. Palmer. A very fitting tribute to her memory was read by one of the officiating ministers. It was a brief review of her life and character, and described her as having been a warm friend and a zealous Curistian.

FUNERAL OF MR. JAMES KELLY.

The funeral services over the remains of the late James Kelly, Inspector of Schools in the Third district, took place yesterday morning as All Souls' church, corner of Fourth avenue and Twentieth street. The Rev. Dr. Bellows conducted the services, which were most impressive. In his remarks he paid a fitting tribute to the amiable qualities of the deceased and the efforts made by him in the cause of education. The church was filled to its utmost capacity by gentlemen prominently connected with the city government, as well as by personal irlends of Mr. Kelly. Among those present were Alderman Vance, ex-Judge Waterbury, Mayor Havemeyer, Professor Doremus and the members of the old Ninth Class Association, No. 3. The College of the City of New York was well represented. The pail bearers were:—Messrs. Hosea E. Perkins, Inspector Dowd, S. B. H. Vance, Charles Burkhaiter, John Custin, Superintendent Kidnie, Charles Spear and Anditor of the Board of Education John Davenport. At the close of the services the body was taken to Greenwood Cemetery for interment. the services, which were most impressive. In his

FIRE IN MORRISANIA.

A fire broke out at an early hour yesterday morning in a two story frame building on Boston avenue, near Union avenue, in Morrisania, tha caused a damage of \$5,000. The fames spread from the house in which they started, belonging to John Woods, to two adjoining houses of smaller dimensions, owned and occupied by John Mulvey, which were destroyed. Woods toss is estimated at 26,000. that of Bulvey at 25,000: no management